STATUTORY INSTRUMENTS

2005 No. 3488

DEFENCE

The Summary Appeal Court (Air Force) (Amendment) Rules 2005

Made - - - -	*19th December 2005*
Laid before Parliament	*29th December 2005*
Coming into force - -	*2nd February 2006*

The Secretary of State makes the following Rules in exercise of the powers conferred by section 83ZJ of the Air Force Act 1955(**a**):

Citation and commencement

1. These Rules may be cited as the Summary Appeal Court (Air Force) (Amendment) Rules 2005 and shall come into force on 2nd February 2006.

Amendment of Rules

2. The following rule shall be inserted after rule 43 of the Summary Appeal Court (Air Force) Rules 2000(**b**)—

"**43A.** The jurisdiction of the court to make an order(**c**)—

(a) as to the payment of costs incurred by a party to proceedings as a result of an unnecessary or improper act or omission by or on behalf of another party to the proceedings as described in section 26(1) of the Armed Forces Act 2001(**d**); or

(b) disallowing or ordering the legal or other representative as defined in section 27(3) of the Armed Forces Act 2001 to meet the whole or any part of any wasted costs as there defined

may be exercised by the judge advocate sitting alone and he may direct the other members of the court to withdraw for the purpose of exercising the jurisdiction.".

Don Touhig
Parliamentary Under Secretary of State
Ministry of Defence

19th December 2005

(**a**) 1955 c.19; section 83ZJ was inserted by section 22 of the Armed Forces Discipline Act 2000 (c.4).
(**b**) S.I. 2000/2372, to which there are amendments not relevant to these Regulations.
(**c**) Such an order may be made under the Armed Forces Proceedings (Costs) Regulations 2005 (S.I. 2005/ 3478).
(**d**) 2001 c.19.

EXPLANATORY NOTE

(This note is not part of the Order)

Sections 26 and 27 of the Armed Forces Act 2001 enable the Secretary of State to make regulations empowering summary appeal courts to make orders for the payment of costs which have been unnecessarily or improperly incurred in proceedings for an offence under any of the services Acts (which include the Air Force Act 1955) and to make wasted costs orders against the legal or other representative of a party to such proceedings. Section 28 contains provisions supplementary to sections 26 and 27. The Armed Forces Proceedings (Costs) Regulations 2005 made under sections 26 to 28 of the 2001 Act empower the summary appeal courts to make the applicable costs orders in proceedings for offences under the services Acts. These Rules amend the Summary Appeal Court (Air Force) Rules 2000 to enable the jurisdiction conferred on summary appeal courts by virtue of sections 26 to 28 of the Armed Forces Act 2001 to be exercised by a judge advocate sitting alone.

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